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 1060 Wigwam Parkway
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 Attorneys for Defendants
 City of North Las Vegas

UNITED STATES DISTRICT COURT

STATE OF NEVADA

* * * * *

MICHAEL J. SCALZI,)	Case No.:
)	
Plaintiffs,)	NOTICE/PETITION FOR REMOVAL
vs.)	UNDER 28 U.S.C. § 1441 (a)
)	
CITY OF NORTH LAS VEGAS,)	
)	
Defendant.)	

Pursuant to 28 U.S.C. § 1441 (a), Defendant CITY OF NORTH LAS VEGAS files this Petition for Removal of Clark County District Court Case No. A571545 entitled MICHAEL J. SCALZI vs. CITY OF NORTH LAS VEGAS and states as follows:

1. On September 18, 2008 an action was commenced in the Eighth Judicial District Court, Clark County, State of Nevada, entitled MICHAEL J. SCALZI vs. CITY OF NORTH LAS VEGAS, Case No. A571545, ("State Court Action"). Copies of the Complaint ("State Court Complaint"), Summons with Proof of Service are attached hereto and marked respectively as Exhibits A and B, respectively, constituting all of the papers and pleadings served on Defendant CITY OF NORTH LAS VEGAS.

2. Service of the Complaint upon Defendant CITY OF NORTH LAS VEGAS was made by service upon the CITY OF NORTH LAS VEGAS on September 18, 2008.

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C., Section 1331, and is one which may be removed to this Court by Defendant CITY OF NORTH LAS VEGAS pursuant to the provisions of 28 U.S.C. Section 1441 (a) in

1 that it is a civil action of which the Plaintiff's Complaint arises from issues of a federal
2 question and allegations of unlawful employment practices under Title VII of the Civil
3 Rights Act of 1964, as amended 42 U.S.C. §2000e.

4 4. Venue is appropriate on the unofficial Southern District of the Court
5 pursuant to 28 U.S.C. §§ 1393 (b)(2) and (c), 1141 (a), and LR IA6-1.

6 5. The Complaint in this action arises under federal law and specifically alleges
7 on its face the action was brought pursuant to Title VII of the Civil Rights Act of 1964, as
8 amended 42 U.S.C. §2000e and alleges that Defendant CITY OF NORTH LAS VEGAS failed
9 to take appropriate actions(s) to eliminate a discriminatory work environment and failed to
10 properly investigate Plaintiff's complaints in accordance with its statutory duty. Plaintiff
11 seeks special, general, and punitive damages.

12 7. Based on the foregoing, Defendant CITY OF NORTH LAS VEGAS respectfully
13 submits that this action arises under the Constitution, laws, or treaties of the United States
14 and that this action is, therefore, properly removed to the United States District Court for
15 the District of Nevada.

16 Dated this 15 day of October, 2008.

17 FREEMAN & MONDRAGON

18 
19 Robert W. Freeman, Jr., Esq.

20 Nevada Bar No. 3062

21 Amy V. Mondragon, Esq.

22 Nevada Bar No. 10156

23 1060 Wigwam Parkway

24 Henderson, Nevada 89074

25 Attorney for Defendants

26 City of North Las Vegas
27
28

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 15 day of October, 2008, I served a true and correct copy of the foregoing **NOTICE/PETITION FOR REMOVAL UNDER 28 U.S.C. § 1441 (a)**, by depositing a copy of same in the United States Mail at Las Vegas, Nevada postage fully prepaid, addressed to:

Mary F. Chapman, Esq.
LAW OFFICE OF MARY F. CHAPMAN
7465 West Lake Mead Blvd.
Suite 100
Las Vegas, Nevada 89128



Employee of FREEMAN & MONDRAGON

FREEMAN & MONDRAGON
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**NOTICE/PETITION FOR REMOVAL
UNDER 28 U.S.C. § 1441 (a)
Exhibit "A"**

1 **COMP**
2 Law Office of Mary F. Chapman, Ltd.
3 Mary F. Chapman, Esq.
4 Nevada Bar No. 6591
5 7473 W. Lake Mead Blvd.
6 Suite 100
7 Las Vegas, Nevada 89128
8 (702) 562-1246
9 (702) 562-1247

10 Attorney for Plaintiff

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 MICHAEL J. SCALZI,

14 Plaintiff,

15 vs.

16 CITY OF NORTH LAS VEGAS,

17 Defendant.

Case No.

A571545

Dept.

XX

18 **COMPLAINT**

19 Plaintiff, Michael J. Scalzi, by and through his attorney,
20 the Law Office of Mary F. Chapman, Ltd., hereby alleges and
21 complains as follows:

22 **VENUE AND JURISDICTION**

23 1. This action is being brought pursuant to Title VII of the
24 Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e (hereafter
25 "Title VII") and Nevada Revised Statutes 613.330.

26 2. The discriminatory conduct and employment issues all
27 occurred in County of Clark, Nevada.

28 3. Plaintiff is seeking damages in excess of ten thousand
dollars (\$10,000.00).

4. Accordingly, venue and jurisdiction are properly established
with this Court.

5 / / /

6 / / /

Two One 10/14

FILED

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Ernest J. Smith

CLERK OF THE COURT

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GENERAL ALLEGATIONS

- 1
2 5. Michael J. Scalzi is a resident of Clark County, Nevada.
3 6. Defendant City of North Las Vegas, is an incorporated city
4 entity pursuant to the laws of the State of Nevada and is
5 located in Clark County, Nevada.
6 7. Michael J. Scalzi was employed by Defendant as the labor
7 relations manager, acting human resource director and acting
8 chief labor relations manager. After repeatedly "standing
9 up to" the City Manager to insure lawful conduct and fair
10 treatment for all employees; Mr. Scalzi was retaliated
11 against by first being denied a promotion that was given to
12 a female and then later fired. Mr. Scalzi's was replaced by
13 a female who would "play ball" with the City Manager and
14 "not stand up for what was right" since "women don't act
15 that way".
16 8. Mr. Scalzi was not the first male fired from the Human
17 Resources Department by the same City Manager.
18 9. Since his termination, Mr. Scalzi has been actually replaced
19 by three female employees.
20 10. Mr. Scalzi timely filed a discrimination complaint with the
21 Nevada Equal Rights Commission ("NERC") and the Equal
22 Employment Opportunity Commission ("EEOC").
23 11. On June 13, 2008, the EEOC issued a right to sue letter
24 which was received on June 15, 2008.
25 12. Mr. Scalzi has timely filed this complaint.
26 13. Mr. Scalzi is a white male over the age of 40.

SEXUAL DISCRIMINATION AND RETALIATION

- 27
28 14. Mr. Scalzi hereby repeats, re-alleges, and incorporates

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- 1 by reference paragraph 1-13 contained above as though fully
2 set forth herein.
- 3 15. Mr. Scalzi complained multiple times about inappropriate
4 conduct by the City Manager and other City of North Las
5 Vegas officials.
- 6 16. Mr. Scalzi was intentionally replaced by a female employee
7 because female employees were perceived by the City Manager
8 to "play ball" and not "challenge" him even when he wanted
9 to violate policy or the law.
- 10 17. The City of North Las Vegas failed to take appropriate
11 action(s) designed to eliminate the discriminatory work
12 environment and failed to properly investigate Mr. Scalzi's
13 complaints in accordance with its statutory obligation.
- 14 18. Defendant instead responded to Mr. Scalzi's complaint by
15 first denying him a promotion and thereafter terminating his
16 employment.
- 17 19. As a result of Defendant's discrimination, Mr. Scalzi
18 has been damaged and is seeking damages in an amount in
19 excess of \$10,000.00.
- 20 20. Defendant's actions were knowing, intentional and malicious.
21 Accordingly, Mr. Scalzi has a statutory right to recover
22 punitive damages in excess of \$10,000.00.
- 23 21. It has been necessary for Mr. Scalzi to retain the
24 services of legal counsel and incur attorney's fees and
25 costs to prosecute this action, and therefore, in accordance
26 with the statutes, he is entitled to reimbursement for those
27 attorney's fees and costs incurred herein.
- 28

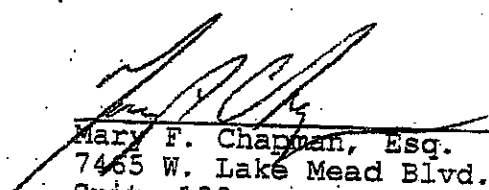
PRAYER FOR RELIEF

WHEREFORE, Michael J. Scalzi prays for judgment against Defendant as follows:

1. For compensatory and non compensatory damages in an amount in excess of \$10,000.00;
2. For punitive damages in excess of \$10,000.00;
3. For all attorney's fees and costs incurred herein; and
4. For such other relief as the Court may deem just and proper.

Dated this 12th day of September, 2008.

Respectfully submitted,
Law Office of Mary F. Chapman, Ltd.


Mary F. Chapman, Esq.
7465 W. Lake Mead Blvd.
Suite 100
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(702) 562-1246
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Attorney for Plaintiff

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**NOTICE/PETITION FOR REMOVAL
UNDER 28 U.S.C. § 1441 (a)
Exhibit "B"**

ORIGINAL**SUMM**

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 (702) 562-1246 Phone
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Attorney for Plaintiff

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

MICHAEL J. SCALZI,

Plaintiff,

vs.

CITY OF NORTH LAS VEGAS,

Defendant.

Case No.

A571545

Dept.

XX

2008 SEP 18 P 2:36

CLERK OF THE COURT
 NORTH LAS VEGAS

NOTICE! YOU HAVE BEEN SUED, THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A Civil Complaint has been filed by Plaintiff against you for the relief set forth in the Complaint.

CITY OF NORTH LAS VEGAS

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:

- a. File with the Clerk of Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
- b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of Plaintiff and this Court may enter judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advise of an attorney in the matter, you should do so promptly so that your response may be filed on time.

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CLERK OF THE COURT

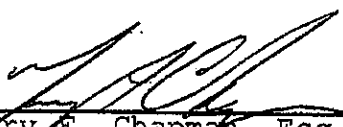
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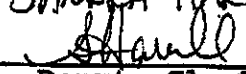
CLERK OF THE COURT

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members, and legislators, each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted By:

CHARLES J. SHORT, CLERK OF COURT


Mary F. Chapman, Esq.
Nevada Bar Number 6591
7465 W. Lake Mead Blvd.
Suite 100
Las Vegas, NV 89128
Attorney for Plaintiff

SANDRA HARRELL
 9-12-08
Deputy Clerk of Court Dated
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

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